

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC

§

v.

§

**No. 6:12cv499
(LEAD CASE)**

TEXAS INSTRUMENTS, INC., ET AL. §

ORDER

The Court previously ordered that leave of Court must be obtained before any motion for summary judgment may be filed. Before the Court is the letter brief of Defendant Audible Magic Corporation (“Audible Magic”), requesting permission to file a motion for summary judgment of noninfringement regarding the following narrow and potentially dispositive issue: whether Mr. Moskowitz/Blue Spike’s statements regarding what is and is not an “abstract” qualify as judicial admissions, and if so, whether Audible Magic’s use of MFCCs meet the element of the claimed “abstract.” Also before the Court is Plaintiff’s response and Audible Magic’s reply.

The Court, having reviewed the relevant briefing, is of the opinion Audible Magic’s request for leave should be **GRANTED**.

IT IS SO ORDERED.

SIGNED this 15th day of April, 2015.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE